



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/269,037 | 06/07/1999 | JOACHIM WIETZKE | 10191/994 | 9313 |

26646 7590 02/17/2004

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

MCCHESNEY, ELIZABETH A

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2644

DATE MAILED: 02/17/2004

//

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/269,037

Applicant(s)

WIETZKE ET AL.

Examiner

Elizabeth A McChesney

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-21 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-21 and 23-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Art Unit: 2644

DETAILED ACTION

1. This action is in response to Applicant's response filed 11/24/03. Applicant's request for reconsideration of the application due to the arguments presented has been considered and the finality of the rejection of the last Office action is withdrawn. Claims 11, 13-21 and 23-34 are now pending in the present application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 11, 13-19, 21, 23-34** are rejected under 35 U.S.C. 102(e) as being anticipated by Divon et al. (US Patent No. 6,301,513 B1).

Regarding **claim 11**, Divon et al. (hereinafter, 'Divon') discloses an vehicle audio system that plays digital audio data and which can be removed from the audio system (col.1-lines 37-40). Divon further discloses the data can be loaded/inputted through a telephone, radio receiver or television and that the data can be text, digitized audio data or compressed digitized speech (col. 1-lines 49-53) and therefore reads on inputting acoustic data/messages. Divon further discloses the system provides a vocal

Art Unit: 2644

information system with the capability of retrieving and playing digital and audio data (col. 1-lines 58-60). Divon further discloses the audio system includes a housing which has a slot for receiving a removable digital unit wherein the unit can be a cartridge in the form of a computer memory card (PCMCIA) which reads on a chip card (col. 2-lines 20-24 and lines 5-9). Divon further discloses a remote control, which is operable for playing selected data stored in response to the user commands (col. 2-lines 65-67 and col. 3-lines 1-6).

Regarding **claims 13-18**, Divon discloses the housing includes a radio receiver and sound player, as well including at least one of a television receiver and telephone receiver. Therefore, it is inherently taught that the sound player provides an acoustic output and/or voice output, which also reads on playing the audio via the electrical device and the television receiver would provide a display (col. 2-lines 58-62). Divon further discloses the data can be read or written on by and external computer, which would also provide a display, and would be the second device used for playback (col. 1-lines 42-47).

Regarding **claim 19**, it is inherently taught that the message length would depend on the memory capacity of the card, wherein memory has a specific amount of storage space.

Regarding **claims 21 and 28**, Divon discloses a vehicle audio system that plays digital audio data via an insertable cartridge, which reads on a chip card and can be removed from the audio system (col.1-lines 37-40). Divon further discloses the system provides a vocal information system with the capability of retrieving and playing digital

Art Unit: 2644

and audio data (col. 1-lines 58-60) wherein it is inherent that a voice digitization module would be provided as the voice audio is disclosed as being digital data. Divon further discloses the data can be loaded/inputted through a telephone, radio receiver or television and that the data can be text, digitized audio data or compressed digitized speech (col. 1-lines 49-53) and therefore reads on inputting acoustic data/messages. Divon further discloses a television and computer as possibilities for loading data which both include a display. Divon further discloses a remote control, which is operable for playing selected data stored in response to the user commands (col. 2-lines 65-67 and col. 3-lines 1-6).

Regarding **claim 23**, Divon further discloses the data can be loaded/inputted through a telephone, radio receiver or television and that the data can be text, digitized audio data or compressed digitized speech (col. 1-lines 49-53).

Regarding **claims 24-27**, see Examiner's comments regarding claims 13-18 above.

Regarding **claims 29 and 30**, Divon further discloses the data can be loaded/inputted through a telephone, radio receiver or television and that the data can be text, digitized audio data or compressed digitized speech (col. 1-lines 49-53) and therefore reads on inputting acoustic data/messages via multiple input devices.

Regarding **claim 31**, it is interpreted and thus rejected for the same reasons as set forth above in claim 28. Since claim 31 discloses a method, which corresponds to, the apparatus of claim 28; the method is obvious in that it simply provides functionality for the structure of claim 28.

Art Unit: 2644

Regarding **claim 32**, it is interpreted and thus rejected for the same reasons as set forth above in claim 29. Since claim 32 discloses a method, which corresponds to, the apparatus of claim 29; the method is obvious in that it simply provides functionality for the structure of claim 29.

Regarding **claim 33**, it is interpreted and thus rejected for the same reasons as set forth above in claim 30. Since claim 33 discloses a method, which corresponds to, the apparatus of claim 30; the method is obvious in that it simply provides functionality for the structure of claim 30.

Regarding **claim 34**, Divon discloses everything claimed as applied above (see claim 21). Divon further discloses a vehicle audio system that plays digital audio data via an insertable cartridge, which reads on a chip card and can be removed from the audio system (col.1-lines 37-40).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Divon et al. (US Patent No. 6,301,513 B1).

Regarding **claim 20**, Divon discloses the system is operable with a computer having storage means wherein it would have been obvious to one of ordinary skill in the

Art Unit: 2644

art to display the free memory space of the storage in the computer including modules inserted into the computer. It is well known in the art that memory of all kind can be displayed on computers for storage both within the computer and storage that is removable within the computer.

Response to Arguments

6. Applicant's arguments with respect to claims 11, 13-21 and 23-34 have been considered but are moot in view of the new ground(s) of rejection. The Examiner maintains that chip cards are well known in the art for removable memory in a variety of devices including computers, handheld devices and automobiles. Divon discloses a vehicle audio system, which includes a removable memory card, which text, speech or audio. Divon further discloses that the digital audio can be rewritten as often as desired and can also be read and written by an external processor such as a computer, which provides a display. It is also obvious to one of ordinary skill in the art that vehicle audio systems include displays and range in complexity and style. Therefore, as the above rejection explains chip cards are a well known in the art for storing data and can be rewritten with text, speech and audio data which can be inputted through various devices, such as television, a radio receiver and telephone (which includes a transducer/microphone). The chip cards are designed to be removable and are used in locations such as vehicles or computers.

Conclusion

Art Unit: 2644

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. McChesney whose telephone number is (703) 308-4563. The examiner can normally be reached Monday – Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2644


Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

EAM *EAM*
January 8, 2004


FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600